



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Thomas D. CHITTENDEN et al.

Serial No.: 09/828,870

Filed: April 10, 2001

Group Art Unit: 1635

Examiner: K. LACOURCIERE

Atty. Dkt. No. 104322.147 U5

FOR: NOVEL PEPTIDES AND COMPOSITIONS WHICH MODULATE APOPTOSIS

Mail Stop SEQUENCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF PAPER COPY OF SEQUENCE LISTING AND  
REQUEST FOR USE OF COMPUTER READABLE  
FORM FROM PARENT APPLICATION**

Applicants declare that the computer readable form in the application filed concurrently herewith is identical to the second computer readable form filed on 20 September 2000 in parent application Serial No. 09/236,385, filed 25 January 1999 (hereinafter "the '385 application). Therefore, applicants request, in accordance with 37 C.F.R. § 1.821(e), that the second-filed computer readable form filed in the '385 application be used as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary changes in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is concurrently

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provided herewith. Applicants submit that the information recorded in the computer readable form filed on 20 September 2000 in the '385 application is identical to the paper copy of the sequence listing filed herewith. Accordingly, no new matter is added by the Sequence Listing.

Respectfully submitted,

Wilmer Cutler Pickering Hale and Dorr LLP



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**RESPONSE TO NOTICE TO COMPLY  
WITH SEQUENCE LISTING REQUIREMENTS**

This paper is being submitted in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed April 30, 2004. In order to comply with the provisions of 37 C.F.R. §§1.821-1.825, we are filing herewith a copy of the Preliminary Amendment clearly identifying the appropriate SEQ ID NOS of the sequences in the specification and the claims. Applicants further submit a substitute specification under 37 CFR 1.125(b), which merely corrects priority information and corrects typographical errors. No new matter is added in the substitute specification. A marked-up and clean version of the substitute specification are provided. Applicants further submit a

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paper copy of the Sequence Listing and Request for Use of Computer Readable Form From  
Parent Application.

In light of the above, Applicants respectfully submit that this application now complies with the Sequence Rules in accordance with the provisions of 37 C.F.R. §§1.821-1.825. The Commissioner is authorized to deduct any fee that may be necessary to maintain the pendency of this application from Deposit Account No. 08-0219. Also, please credit any fees overpaid to the same Deposit Account.

Respectfully submitted,

Wilmer Cutler Pickering Hale and Dorr LLP



Maria L. Maebius  
Attorney for Applicant  
Reg. No. 42,967

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## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
7. Other: Sequences not identified by SEQ ID NO:#

### Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing". (If the unidentified sequences are not provided on the CRF)
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification. (If the unidentified sequences are not provided in the paper copy)
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). (If a new paper and/or CRF are required)

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

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